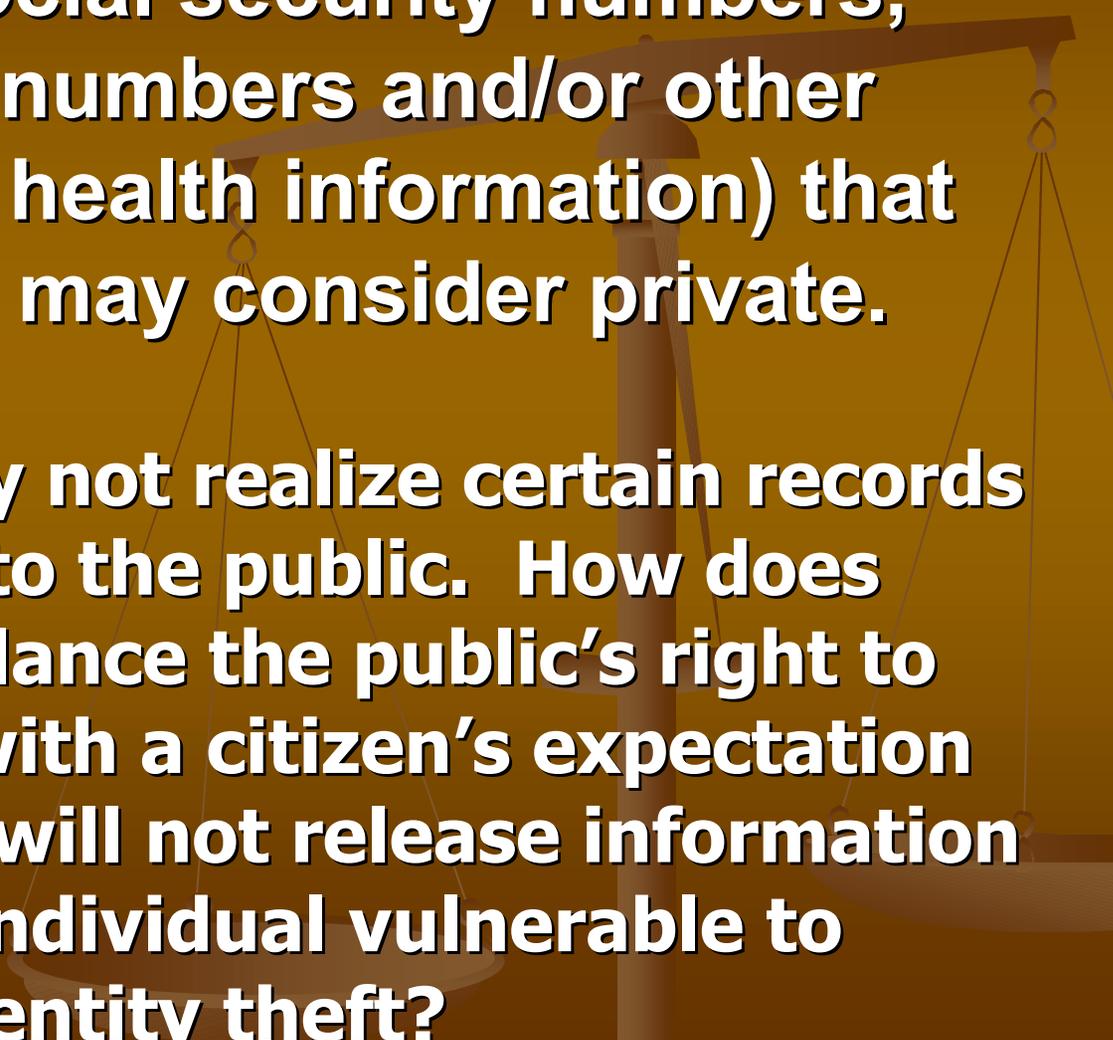


***In the  
beginning.....***

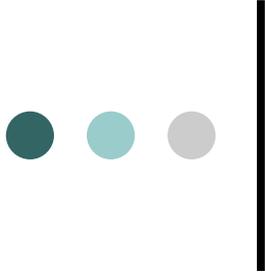
**....there were  
paper public records.**





**Public records created, filed and stored in any format at the state or local level may contain social security numbers, bank account numbers and/or other information (i.e. health information) that some citizen's may consider private.**

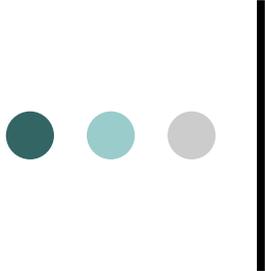
**Many citizens may not realize certain records are available to the public. How does government balance the public's right to access records with a citizen's expectation that government will not release information making the individual vulnerable to identity theft?**



# Identity Theft



Iowa Code Section 715A.8 provides a person commits identity theft if they fraudulently use or attempt to use identification information of another person, with the intent to obtain credit, property, services, or other benefit.



# "Identification information"

in section 715A.8 includes, but is not limited to:

- the person's name
- address
- date of birth
- telephone number
- driver's license number
- nonoperator's identification card number
- Social Security number
- student identification number
- military identification number
- signature
- alien identification or citizenship status number
- employer identification number
- electronic mail signature
- electronic identifier or screen name
- biometric identifier
- genetic identification information
- access device
- logo
- symbol
- trademark
- place of employment
- employee identification number
- parent's legal surname prior to marriage
- demand deposit account number
- savings or checking account number
- credit card number



“Identification information”  
can be found on  
government records  
because they are:

➤ Required

➤ Requested

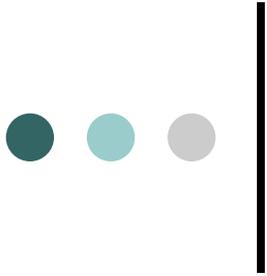
➤ Provided gratuitously





**Currently, Iowa Code section 22.11 requires state government to identify the nature and extent of the personally identifiable information (although this term is not defined) collected by the agency, the legal authority for the collection of that information, and a description of the means of storage.**





## **POLICY DECISION #1**



**Iowa's public records  
law needs to define  
“personal information.”**



## **POLICY DECISION #2**

**Iowa law should give government bodies the authority and discretion to redact certain personal information from a public record.**





## **POLICY DECISION #3**



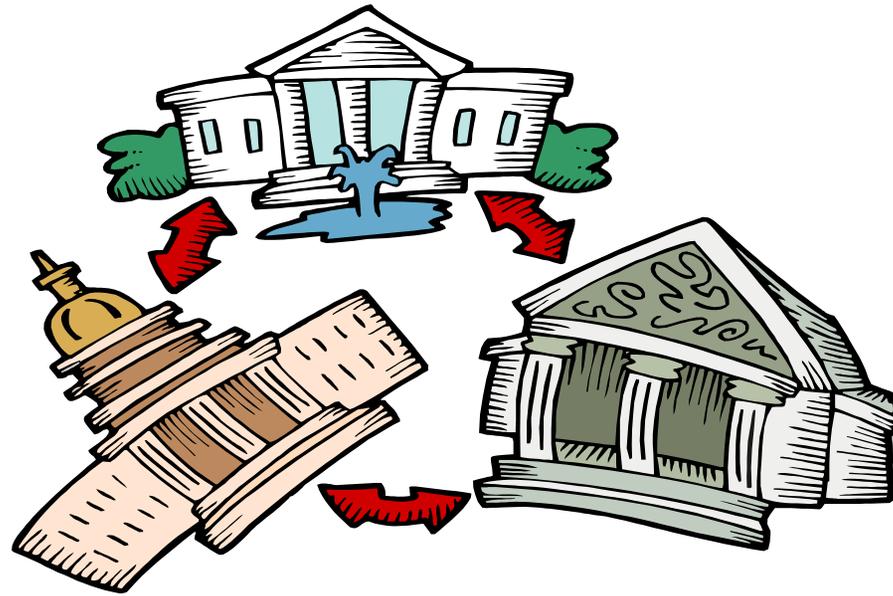
**Iowa law needs to specify who has access to view unredacted versions of public records.**

## **POLICY DECISION #4**

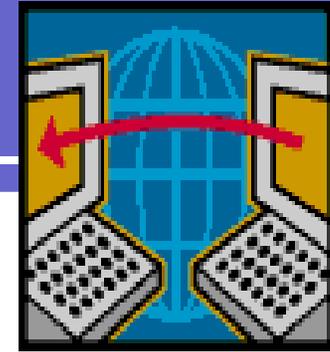
**State agencies should regularly review and determine compliance with section 22.11 of the Iowa Code.**

**Iowa law should extend these requirements to local government by revising section 22.12.**





Prior to advancements in technology, accessing these records required a trip to or contact with a government office, making the information protected through “practical obscurity.”



The creation of the Internet and the affordability of computers have changed “practical obscurity” to “ambient findability” according to Peter Morville, author of [Ambient Findability: What We Find Changes Who We Become](#). Morville describes ambient findability as “a world at the crossroads of ubiquitous computing and the Internet in which we can find anyone or anything from anywhere at anytime.”



**On-line database searches, implemented for the convenience of citizens, businesses, media and government bodies, allow anyone with computer access to search, view and copy public records.**



**However, the compilation of information from a variety of sources and the enhanced ability to search and reconfigure that information, create circumstances not contemplated by Iowa law.**

Plainly there is a vast difference between the public records that might be found after a diligent search of courthouse files, county archives, and local police stations throughout the country and a computerized summary located in a single clearinghouse of information.“ [U.S. DEPT. OF JUSTICE v. REPORTERS COMMITTEE, 489 U.S. 749 \(1989\).](#)



## Enhanced Electronic Access

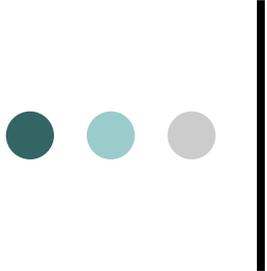
**For example, in those circumstances where government bodies offer enhanced access to public records on a website, should the government body be able to charge for this value-added service ?**





## Enhanced Electronic Access

Legislation enacted in Pennsylvania states if an agency offers enhanced electronic access to public records the agency may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the public records accessible for inspection and duplication by a requester as required by this act.



## **POLICY DECISION #5**

**Government bodies should be given the authority to charge a flat rate, a subscription fee, a per-transaction fee or a combination thereof for “enhanced electronic access.”**

**Additionally, this may be an opportunity to create a barrier to identity theft.**





*Technology also now affords government bodies the ability to compile and sell data in bulk.*

**By law, government bodies can charge actual costs for complying with a public record requests – there are no exceptions for the sale of bulk data. As stated earlier, government bodies should be given the authority to redact certain sensitive personal information regardless of whether the release is bulk or individual.**

# **Destruction of Records**

## **POLICY DECISION #6 –**

**Government bodies should be required to take reasonable precautions when disposing of confidential records or records containing personal information.**

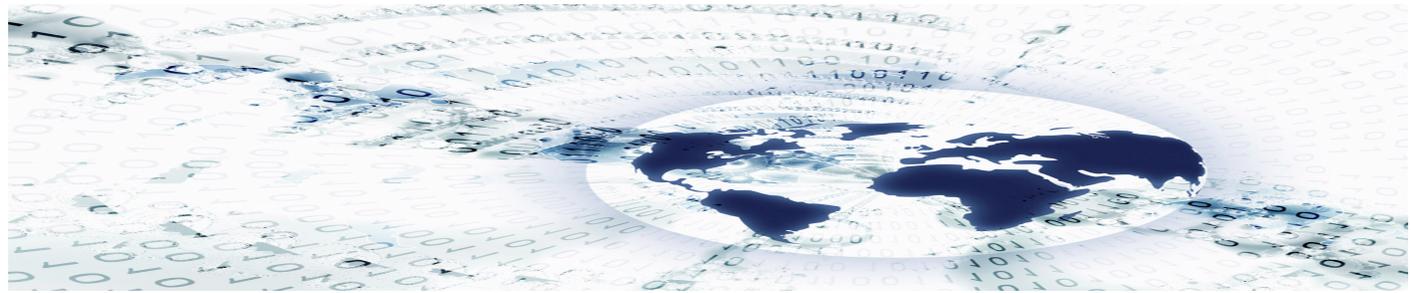




**All of these policy decisions – collection of information, redaction, access, fees, retention and destruction of records – are public records issues.**

**The specifics of the sale of bulk data and availability of social security numbers on [IowaLandRecords.org](http://IowaLandRecords.org) will be discussed further today - and may require action in the upcoming legislative session.**

**However, every issue discussed today affects all levels of government.**



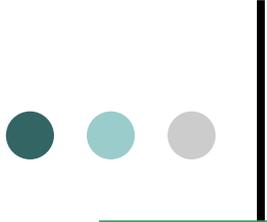
**Technological advancements warrant a pragmatic, thorough and continuous review of public records in all formats to balance transparency with the protection of information that make citizen's vulnerable to identify theft.**

**To address this issue, the Ombudsman offers the following additional recommendation ...**

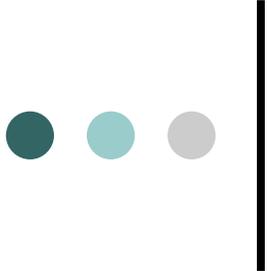
- ● ● | **The creation of a permanent**

***Public Records, Open Meetings, and Privacy (PROMP)***

***Advisory Committee***

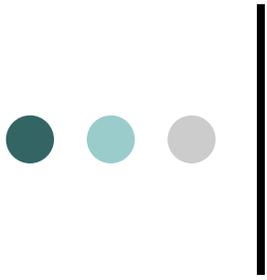


The PROMP Advisory Committee would serve as a resource to citizens and government bodies dealing with public records and open meetings, including, but not limited to, Iowa Code Chapters 21 and 22. In addition, the Committee would be charged with upholding the integrity of the purposes underlying these laws, reviewing existing and proposed laws, and considering the effects openness has on the privacy of individuals.



**This proposal is modeled after legislation adopted in 2005 by the Maine General Assembly. Committee membership would include Legislators, as well as representative(s) from:**

- ✓ **City, county and state government.**
- ✓ **Schools.**
- ✓ **Newspapers and broadcasting interests.**
- ✓ **The Attorney General's office.**
- ✓ **The Department of Administrative Services.**
- ✓ **The Iowa State Bar Association.**
- ✓ **Law enforcement.**
- ✓ **The Iowa Citizens' Aide/Ombudsman office.**
- ✓ **The public.**



**In Maine, the Committee is staffed by legislative employees and an intern, with an appropriation of \$4040 annually (covering per diems, member expenses, and postage, printing and miscellaneous expenses).**



# Summary of Ombudsman Recommendations

**#1 Iowa's public records law needs to define "personal information."**



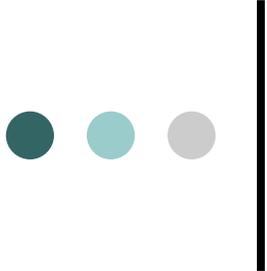
# Summary of Ombudsman Recommendations

**#2 Iowa law should give government bodies the authority and discretion to redact certain personal information from a public record.**



# Summary of Ombudsman Recommendations

**#3 Iowa law needs to clarify who has access to view unredacted versions of public records.**



## **Summary of Ombudsman Recommendations**

**#4 State agencies should regularly review and determine compliance with section 22.11 of the Iowa Code. Iowa law should expand these requirements to local government by revising section 22.12.**



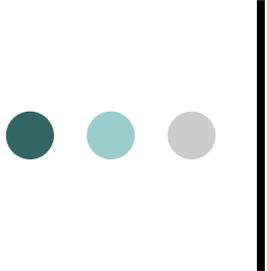
# Summary of Ombudsman Recommendations

**#5 Government bodies should be given the authority to charge a flat rate, a subscription fee, a per-transaction fee or a combination thereof for “enhanced electronic access.”**



# Summary of Ombudsman Recommendations

**# 6 Government bodies should be required to take reasonable precautions when disposing of records in any format containing personal information that are confidential by law.**



# Summary of Ombudsman Recommendations

**#7 The creation of a permanent Public Records, Open Meetings, and Privacy (PROMP) Advisory Committee.**